HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 3598 of 2007

DATED: 26-02-2007

Between:

Shaik Abdul Rasool

…Petitioner

and

The Municipal Corporation of Kadapa, rep. by its Commissioner, Kadapa District and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3598 of 2007

ORAL ORDER:

The 3rd respondent is arrayed as the District Collector and Special Officer, Municipal Corporation, Kadapa. There is no such entity existing. As the Commissioner representing the Municipal Corporation is impleaded as 1st respondent, the 3rd respondent shall therefore, be struck off from the array of respondents.

This writ petition is filed on an apprehension that the respondents would dispossess the petitioner of his property or part thereof bearing Municipal H.No.13/158 (New No. 13/175) and 4/40 (New No. 13/176, 177), Trunk Road, Kadapa District. It is alleged that widening of the road infront of the petitioner's premises is scheduled. It is also alleged that on 19-2-2007 the employees of the 1st respondent went to the petitioner's premises and informed him that they are going to demolish the same for the purpose of road widening and no proceedings, formal or otherwise, have been initiated for acquisition of the whole or part of the petitioner's property for the purpose of the road widening. Apprehending unlawful dispossession and demolition of the property, this writ petition is filed.

Sri Newton, learned counsel appearing for the 1st respondent, on instructions, states to this Court that widening of the road is under consideration and that if the petitioner's property or a part of the property is required for the purpose of road widening, they will follow the due process of law and the provisions of the Hyderabad Municipal Corporations Act, 1955 which is the applicable law or the provisions of

the Land Acquisition Act, 1894, as the case may be. It is also stated and unequivocally that the respondents shall not dispossess the petitioner without following the due process of law. In view of this undertaking, the grievance and the apprehension of the petitioner is seen to have no basis.

Recording the aforementioned submission made on behalf of the respondents, the writ petition is disposed of as infructuous. There shall be no order as to costs.

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GODA RAGHURAM, J

26-02-2007
GRR